Emerging Fair Housing Act Issues, and Strategies to Manage Them

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The Fair Housing Act

Prohibits the following actions based on race, color, national origin, religion, sex, familial status or disability:

• Refusing to rent or sell housing
• Refusing to negotiate for housing
• Making housing unavailable
• Setting different terms, conditions or privileges for sale or rental of a dwelling
• Providing different housing services or facilities
• Falsely denying that housing is available for inspection, sale, or rental
• For profit, persuading owners to sell or rent (blockbusting)
• Denying anyone access to or membership in a facility or service (related to the sale or rental of housing)
The Fair Housing Act

Also prohibits:

• Threatening, coercing, intimidating or interfering with anyone exercising a fair housing right or assisting others who exercise that right

• Advertising or making any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or handicap.

• Refusing to allow disabled residents to make reasonable modifications to a dwelling unit or common use areas

• Refusing to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing

• Designing and constructing properties that are inaccessible to persons with disabilities
Emerging Issues in Advertising
Emerging Issues in Design and Construction
“Where multiple recreational facilities are provided, the Guidelines do not require that each amenity be accessible, but rather that ‘sufficient numbers be accessible to provide equitable use by people with disabilities.’”
Emerging Issues in Disparate Impact Liability

“An important and appropriate means of ensuring that disparate-impact liability is properly limited is to give housing authorities and private developers leeway to state and explain the valid interest their policies serve..."
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